



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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**NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.**

# HOUSE WEEK IN REVIEW

The House of Representatives amended Senate amendments to **H.3442**, a bill that creates the **DEPARTMENT OF WORKFORCE** as a cabinet level agency to perform workforce development functions and replace the Employment Security Commission in the administration of unemployment benefits. The legislation creates the South Carolina Department of Workforce and provides for it to be managed and operated by an executive director nominated by a newly-created Department of Workforce Review Committee and appointed by the Governor with the advice and consent of the Senate. The executive director may be removed from office by the Governor and the executive director as well as the assistant directors and area directors are exempted from state employee grievance procedures so that they will serve in an at will capacity. The executive director's compensation is to be set by the Agency Head Salary Commission.

A nine-member Department of Workforce Review Committee is created to perform oversight duties and to screen and nominate candidates for the positions of department director and members of the Department of Workforce Appellate Panel. The committee is composed of three of three members of the House of Representatives appointed by the Speaker, at least one of whom must be a member of the minority party; three members of the Senate appointed by the President pro Tempore, at least one of whom must be a member of the minority party; and, three members of the general public appointed by the Governor, one of whom must represent businesses with fewer than fifty employees and one of whom must represent businesses with fewer than five hundred employees. The committee is charged with screening candidates for the position of director to ensure that they meet the legislation's criteria for educational attainment and expertise and nominating three qualified candidate from whom the Governor is to select in making his appointment. The committee is also charged with oversight duties which include conducting annual performance reviews of the director and the Department of Workforce.

The legislation creates a Department of Workforce Appellate Panel with the sole purpose of hearing and deciding appeals from decisions of the Department of Workforce's divisions. Initially, the three sitting members of the South Carolina Employment Security Commission are to serve on the panel in an interim capacity. The members of the appellate panel must be elected by the General Assembly, in joint session, for four-year terms with initial elections to be held before May 22, 2010. Before an individual may be elected to the panel, he must be screened by the Department of Workforce Review Committee and found to possess the legislation's qualifications for educational attainment or pertinent expertise. A member General Assembly may not be elected to the panel while serving as a legislator or for two years following legislative service. Compensation for the panelists is to be set by the Agency Head Salary Commission.

The legislation transfers to the Department of Workforce the Workforce Investment Act program that has been assigned to the Department of Commerce through executive order.

**H.3442** also provides for certain administrative changes to begin to remedy the insolvency of the Unemployment Insurance Trust Fund. The legislation provides that an

insured worker is ineligible for unemployment compensation benefits if he has been discharged from work for gross misconduct. Gross misconduct includes such activities as: assault or battery on a fellow employee or customer; abuse of a patient or child under professional care; willful or reckless damage to employer property in excess of fifty dollars; theft of items valued in excess of fifty dollars; failure to comply with applicable state or federal drug and alcohol testing and use regulations; consumption of alcohol or drunkenness on the job in violation of a written workplace policy; insubordination; and willful neglect of duty. The legislation provides new requirements for an individual who has completed a temporary work assignment to contact his temporary employment agency regarding possible reassignment before he can be eligible to receive unemployment benefits.

The legislation creates the Workforce Initiative/Economic Development Research Committee to review and make recommendations regarding steps that should be taken to improve the economy of this State, the employment of South Carolinians, and to restore a substantially greater sense of financial security to the citizens of this State. The review must include an inventory of workforce training and recruitment programs and their adequacy towards meeting the needs of South Carolina's businesses. In addition, the review and recommendations must place emphasis on the goal of matching unemployed citizens with jobs. The committee shall submit its report to the General Assembly and Governor before January 1, 2011, at which time it is abolished

The House amended, approved, and sent to the Senate **H.4282**, a bill **PROHIBITING TEXT MESSAGING WHILE DRIVING**. The legislation provides that a person may not use a text messaging device to read, or to manually write or send, a written communication, including a text message or electronic mail, while operating a motor vehicle in motion or in the travel portion of the roadway. This prohibition does not apply to: a motorist's use of a mobile communications device to report emergencies; the use of a device that is physically or electronically integrated into the vehicle's architecture; an authorized emergency vehicle; or the use of two-way mobile radio transmitters or receivers by licensees of the Federal Communications Commission in the amateur Radio Service when assisting with public safety, emergency, and disaster communications. A violator is guilty of a misdemeanor and is subject to a twenty-five dollar fine. The legislation provides for the division of fines collected with fifty percent distributed evenly among the state's Level I trauma centers, twenty-five percent to the South Carolina State Trauma Care Fund to be used by the Department of Health and Environmental Control, and twenty-five percent to the Office of Highway Safety in the Department of Public Safety to fund highway safety education programs highlighting the dangers of distracted driving. A vehicle, driver, or occupant in a vehicle may not be searched, nor may consent to search be requested by a law enforcement officer, solely because of a text messaging violation. Neither a law enforcement agency nor the court may confiscate a text messaging device, mobile telephone, or any other wireless telecommunications device that was used in violation of this legislation. A law enforcement agency may not obtain telephone, cellular telephone, e-mail, text communication, or other electronic communications records, messages, or any data associated with a violation of this legislation as evidence to obtain a conviction. A violation may be introduced as evidence of comparative negligence in a civil action. The Department of Motor Vehicles may not report a violation to a driver's motor vehicle insurance carrier. The legislation establishes separate provisions **PROHIBITING TEXT MESSAGING AND MOBILE TELEPHONE USE BY SCHOOL BUS DRIVERS**. Under the legislation, a person may not use a text messaging device to manually write or send

a text message; or a mobile telephone, radio or other communication device whether hands-free or otherwise; while operating a school bus in motion or in the travel portion of a roadway or while monitoring the loading and unloading of students. For a first offense resulting in no great bodily injury or death, a violator is guilty of a misdemeanor, must be fined two hundred and fifty dollars, have two points assessed against his driving record, and lose his school bus driver's certification for one year. For a second or subsequent offense or any offense resulting in great bodily injury or death, a violator is guilty of a misdemeanor and must be fined five hundred dollars. The violator's school bus driver's certification must be revoked and the person becomes permanently ineligible to apply for certification. The violator shall have triple the points assessed against his driving record as are otherwise assessed. A violation may be introduced as evidence of comparative negligence in a civil action.

The House concurred in Senate amendments to **H.3305**, a **PROPOSED CONSTITUTIONAL AMENDMENT GUARANTEEING THE RIGHT TO USE SECRET BALLOTS IN LABOR ORGANIZATION VOTING**, and enrolled the joint resolution for ratification. This joint resolution proposes to amend the South Carolina Constitution to provide that the fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization.

The House appointed conference committees to address differences with the Senate on **H.3396**, a **PROPOSED CONSTITUTIONAL AMENDMENT TO INCREASE THE HOLDINGS REQUIREMENT OF THE GENERAL RESERVE FUND** and **H.3395**, a bill to provide for the **ENHANCEMENT OF THE GENERAL RESERVE FUND**.

The House approved and sent to the Senate **H.3489**, the **"SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2010"** which contains numerous tort reform provisions. The legislation caps the award of punitive damages at three times "compensatory damages" or \$350,000, whichever is higher. The limitation on punitive damages do not apply in situations involving: (1) intentional conduct; (2) conviction of a felony criminal charge in the course of conduct that gives rise to the damages; and 3) intoxication. The bill also establishes bifurcated trial on punitive before the same finder of fact; a "Clear and convincing" evidence standard for award of punitive; with eleven factors to be considered by the finder of fact in awarding punitive damages. Private Attorney Retention: the bill establishes the parameters under which the Attorney General or a Circuit Solicitor may retain outside counsel. The bill also sets up a sliding scale for contingent fee cases limiting the compensation to be received by the outside counsel based the amount of the award. All other proceeds are to be used for the State of South Carolina based on the Attorney General or Solicitor's judgment. The bill provides that outside counsel must provide the Attorney General or solicitor a detailed account of all work performed each month. In the case of contingent fee cases, outside counsel's compensation, not including punitive or exemplary damages, there will be no more than certain enumerated percentages corresponding to the amount of judgment. The bill establishes in relation to punitive or exemplary damages, enumerated percentages. With regard to expenses and costs, outside counsel shall only be reimbursed for reasonable costs and expenses when expressly authorized by the Attorney General or solicitor. The bill adds a process by which a solicitor or the Attorney General may depart from the guidelines set forth in the section by publicly disclosing the reasons for the departure and that he determined departure was in the best interest of the state. The written result of this process is a matter of public record. The bill contains

a Statute of Repose to assure that building code violations do not constitute per se fraud, gross negligence or recklessness but, such violations may be introduced as evidence of fraud, gross negligence, or recklessness. The bill contains provisions for an Appeal Bond. This section would limit the amount of an appeal bond that a court can order posted to the amount of the judgment or \$25 million dollars for a larger business or \$ 1 million for a small business or individual, whichever is less. (Small and large business are defined based on gross receipts and number of employees). The statutory prohibition on admissibility of failure to use a seat belt is repealed. This would subject this information to the normal rules of evidence during a trial.

The House concurred in Senate amendments to **S.424**, a **CONCURRENT RESOLUTION AFFIRMING THE RIGHTS OF SOUTH CAROLINA UNDER PROVISIONS OF THE UNITED STATES CONSTITUTION**, and approved the resolution. The resolution provides that the General Assembly claims for the State of South Carolina sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution. The resolution provides that it is the policy of the state that: no law shall interfere with the right of a person to be treated by or receive services from a health care provider of that person's choice; no law shall restrict a person's freedom of choice of private health care systems or private health care plans of any type; no law shall interfere with a person's or an entity's right to pay directly for lawful medical services; and no law shall impose a tax, penalty, or fine, of any type, for choosing a health care provider, to obtain or decline health care coverage or for participation in any particular health care system or plan. The resolution claims freedom from all laws and mandates that violate the rights granted under the Second, Ninth, and Tenth Amendments to the United States Constitution and serves as notice and demand to the federal government, as South Carolina's agent, to cease and desist immediately all mandates that are beyond the scope of the federal government's constitutionally delegated powers.

The House amended, approved, and sent to the Senate **H.4033**, "**TRANSPORTATION INFRASTRUCTURE FUNDING FLEXIBILITY ACT**". The legislation establishes a mechanism that allows the Department of Transportation to solicit and enter into certain public-private initiatives to construct transportation facilities. An existing transportation facility may not be the subject of a public-private initiative.

The House returned **S.1096**, a bill providing a mechanism for **FINANCING RESIDENTIAL ENERGY EFFICIENCY AND CONSERVATION MEASURES**, to the Senate with amendments. This bill provides electricity and natural gas providers the authority to finance the purchase price and installation cost of energy conservation measures for residential customers and recover this financing through charges paid for by the customers benefitting from the installation of the energy conservation measures. Before an electricity provider or natural gas provider may enter into a financing contract on a residence, an energy audit must be performed on the residence to demonstrate that energy savings can be expected from energy efficiency measures, such as weatherization and equipment upgrades. Should the residential customer agree to the installation of the of the efficiency measures, a second audit must be performed after the installation to show that energy savings have been realized. In order for electricity providers and natural gas providers to recover the costs, including financing costs, of the energy efficiency and conservation measures a separate meter conservation charge is placed on a customer's bill.

The House approved and sent to the Senate **H.3736**, a bill revising the manner and **CONDITIONS UNDER WHICH LABOR ORGANIZATION MEMBERSHIP DUES MAY BE DEDUCTED FROM WAGES**. The legislation provides that it is unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written or electronic authorization for the deductions. This authorization may be revoked by the employee at any time by giving written or electronic notice of the revocation to the employer. Deductions for political activities or contributions shall not be deducted from the wages, earnings, or compensation of an employee.

The House approved and sent to the Senate **H.4551**, a bill **INCORPORATING PREPAID WIRELESS TELECOMMUNICATIONS AND VOICE OVER INTERNET PROTOCOL INTO THE 911 EMERGENCY CALLING SYSTEM** provisions. The legislation imposes new fees upon prepaid wireless telecommunications and Voice over Internet Protocol (VoIP) for the support of the 911 emergency calling system that are in keeping with the fees that users of traditional telephone services and mobile telecommunications plans have been paying for the support of the system.

The House amended, approved, and sent to the Senate **H.4479**. This bill includes detention officers within the category of **LAW ENFORCEMENT OFFICERS ELIGIBLE TO CLAIM THE EIGHT DOLLARS A DAY SUBSISTENCE ALLOWANCE INCOME TAX DEDUCTION**.

The House amended, approved, and sent to the Senate **H.3536**, a bill revising **QUALIFICATIONS OF CORONERS**. The bill establishes the additional requirements of: at least three years of experience as a death investigator with a law enforcement agency, coroner, or medical examiner agency; two year associate degree and have two years of experience as a death investigator with a law enforcement agency, coroner, or medical examiner agency; or four year baccalaureate degree and have one year of experience as a death investigator with a law enforcement agency, coroner, or medical examiner agency. The bill further requires a candidate for coroner to file a sworn affidavit with the county executive committee of the person's political party under specified time frames. The bill provides for the filing of the affidavit by petition candidates, and it delineates the information that the affidavit must contain.

The House approved and sent to the Senate **H.3975**, a bill providing an **EXEMPTION FOR MILITARY MEMBERS FROM THE HUNTER'S EDUCATION COURSE REQUIREMENT**. This bill exempts Armed Services personnel from taking the hunter's education course prior to receiving a South Carolina hunting license. This exemption is with the understanding that these persons can demonstrate that they received weapons training during their military career.

The House amended, approved, and sent to the Senate **H.3996**, a bill relating to the **POINT SYSTEM FOR HUNTING AND FISHING VIOLATIONS**. This bill outlines that the Department of Natural Resources shall deduct three accumulated points from a person's record upon a showing that the person successfully completed the department's instruction program. The bill also states conditions when a person is not eligible for point reduction.

The House approved **S.975**, relating to the training of **BIRD DOGS**, and enrolled the bill for ratification. This bill outlines various birds that can be used for training bird dogs. The legislation defines "training birds" as pen raised quail, chukar, pheasant, Hungarian partridge, or any other upland game birds approved by the Department of Natural Resources. In addition, the bill provides for the use of training birds during the closed season.

The House approved **S.1043**, regarding the **FLOUNDER POPULATION STUDY PROGRAM**, and enrolled the bill for ratification. This bill establishes the Flounder Population Study Program which will be administered by the Department of Natural Resources. The program shall study the effects of flounder catch limits and the prohibition of artificial illumination produced by motor fuel powered generators on flounder located in the waters of Pawleys Inlet. The bill provides that "gigging" means using a prong, spear or similar device, including a bow and arrow to spear a fish. The bill outlines the operation of the program and states that the program shall run for five years, beginning January 1, 2010 and ending June 30, 2014.

The House amended, approved, and sent to the Senate **H.3913**, legislation dealing with **STRIPED BASS**. This bill outlines that in the inshore waters and territorial sea, except for certain portions of the Savannah River, from June first through September thirtieth, it is unlawful to possess any striped bass (rockfish). Any striped bass taken must be returned immediately to the waters from where it came. It also outlines that from October first through May thirty-first in the inshore waters and the territorial sea, except for a certain portion of the Savannah River, it is unlawful to take or possess more than three striped bass per day; take any striped bass less than twenty-six inches in length or land any striped bass without the head and tail fin intact. The bill establishes seasonal creel and size limits for striped bass in certain freshwater bodies in the Lower Santee and Cooper Rivers. The Department of Natural Resources shall study the Lower Santee and Cooper River systems and make recommendations on any needed modification to the restrictions before January 1, 2015. The legislation provides that it is unlawful to take or possess more than two striped bass on all waters of Lake Russell from Lake Hartwell Dam and Lake Secession Dam, including all tributaries of Lake Russell. The legislation provides that it is unlawful to take and retain from all waters of Lake Russell from Lake Hartwell Dam and Lake Secession Dam, including its tributaries, more than one striped bass greater than thirty-four inches in length.

The House amended, approved, and sent to the Senate **H.4015**, relating to **NONGAME GILL NET PROVISIONS**. The legislation provides that along the Little Pee Dee River upstream of Punch Bowl Landing, no net may be set within seventy-five feet of a gill net previously set; drifted within seventy-five feet of another drifting net; or placed or set within seventy-five feet of the confluence of a tributary.

The House did not concur in Senate amendments to **S.328**, regarding **INOCULATING PETS AGAINST RABIES**.

## HOUSE COMMITTEE ACTION

## **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

The Agriculture, Natural Resources and Environmental Affairs Committee met on Wednesday, March 10, 2010. The following bills were addressed:

The full committee gave approval to **S.1043**, regarding the **FLOUNDER POPULATION STUDY PROGRAM**. This bill establishes the Flounder Population Study Program which will be administered by the Department of Natural Resources. The program shall study the effects of flounder catch limits and the prohibition of artificial illumination produced by motor fuel powered generators on flounder located in the waters of Pawleys Inlet. The bill provides that "gigging" means using a prong, spear or similar device, including a bow and arrow to spear a fish. The bill outlines the operation of the program and states that the program shall run for five years, beginning January 1, 2010 and ending June 30, 2014.

**S.975**, relating to the training of **BIRD DOGS**, was given a favorable recommendation from the full committee. This bill outlines various birds that can be used for training bird dogs. The legislation defines "training birds" as pen raised quail, chukar, pheasant, Hungarian partridge, or any other upland game birds approved by the Department of Natural Resources. In addition, the bill provides for the use of training birds during the closed season.

The full committee gave approval to **S.1127**, which provides that the standard for **DISSOLVED OXYGEN CONCENTRATION DEPRESSION** is changed to 0.1 MG/L. This change effects how dissolved oxygen is measured.

## **EDUCATION AND PUBLIC WORKS**

The full committee did not meet this week.

## **JUDICIARY**

The full committee did not meet this week.

## **LABOR, COMMERCE AND INDUSTRY**

The full House Labor, Commerce and Industry Committee met on Thursday, March 11, and reported out two bills.

The committee gave a report of favorable with amendments on **S.1147**, a bill **INCORPORATING PREPAID WIRELESS TELECOMMUNICATIONS AND VOICE OVER INTERNET PROTOCOL INTO THE 911 EMERGENCY CALLING SYSTEM** provisions. The legislation imposes new fees upon prepaid wireless telecommunications and Voice over Internet Protocol (VoIP) for the support of the 911 emergency calling



system that are in keeping with the fees that users of traditional telephone services and mobile telecommunications plans have been paying for the support of the system.

The committee gave a report of favorable with amendments on **H.4607**, a bill relating to **ADVERTISEMENTS FOR THE SALE OR LEASE OF MOTOR VEHICLES**. This bill defines necessary terms and provides procedures that must be followed by motor vehicle dealers in advertisements made in the course of soliciting for the sale or lease of motor vehicles. The legislation establishes new requirements for the clear identification of vehicles advertised for sale or lease and for the way in which discounts, savings, and rebates are to be characterized in such advertisements. The bill revises provisions relating to administrative enforcement orders, so as to provide penalties for motor vehicle dealers who violate these advertisement provisions.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full committee did not meet this week.

## **WAYS AND MEANS**

The full committee did not meet this week.

# **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

## **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

### **H.4697 HUNTING AND FISHING LICENSES Rep. Lucas**

Currently, annual licenses, permits, stamps and tags are valid from July first through June thirtieth of the following year. This bill changes that these licenses are valid for twelve months from the date of issuance.

### **H.4722 PENALTIES FOR CUTTING, REMOVING, TRANSPORTING OF TIMBER PRODUCTS WITHOUT THE CONSENT OF LANDOWNER Rep. Millwood**

This bill increases the penalty for cutting, removing, transporting of timber products without the consent of landowner, from five hundred dollars to fifteen hundred dollars if the value of the timber is one thousand dollars or less. The bill also establishes minimum and maximum penalties for timber products valued more than one thousand dollars.

### **S.1130 ALLIGATOR MANAGEMENT PROGRAM Senator Grooms**

It is unlawful for a depredation permit holder or his or her designee to sell, barter, or trade or offer to sell, barter, or trade the privilege to take an alligator under the authority of a depredation permit. In addition, the bill adds application requirements and fees for the privilege of taking alligators.

## **EDUCATION AND PUBLIC WORKS**

### **H.4719 SCHOOL ATTENDANCE REQUIREMENTS FOR ISSUANCE OF CERTAIN DRIVER'S LICENSES** Rep. Sellers

This bill provides that school attendance and certain other conditions apply to the issuance or reinstatement of a beginner's permit, conditional driver's license, special restricted driver's license, and a regular driver's license issued to a person less than eighteen years of age. The bill includes provisions for suspending the driver's license of a student who is habitually truant; the bill also includes provisions allowing for a waiver of these requirements if the student has a personal or family hardship which requires the student to have a driver's license.

## **JUDICIARY**

### **S.591 PROCEEDINGS IN CLAIM AND DELIVERY** Sen. Lourie

This bill allows service of process by persons other than constables in claim and delivery actions.

### **S.718 MAGISTRATES' COURT JURISDICTION** Sen. Campsen

This bill provides that a magistrate has jurisdiction of all offenses which may be subject to the penalties of a fine or forfeiture not exceeding \$1,000. Under the bill, a magistrate may order restitution in an amount not to exceed the civil jurisdictional amount for magistrates. The bill further provides that a magistrate may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay and may issue a contempt sentence not exceeding a fine of \$1,000, or imprisonment not exceeding 30 days, or both.

### **S.931 REVISIONS PERTAINING TO SEXUALLY VIOLENT OFFENDERS** Sen. L. Martin

This bill makes various revisions pertaining to sexually violent offenders. Relating to the effective date of parole or conditional release of sexually violent predators, this bill provides that written notice must be given 270 days rather than 180 days. The bill provides that the parole or conditional release order takes effect after 180 days rather than 90 days. Relating to the facility in which a person must be held after probable cause is found to exist that the person is a sexually violent predator, this bill requires that the person only be held in a local or regional detention facility until conclusion of the proceedings. The court must direct the person be transported to an appropriate facility of the South Carolina Department of Mental Health for an evaluation by a qualified expert. The bill requires the expert to complete the evaluation within 60 days of the probable cause hearing; the legislation includes provision regarding extensions.

Relating to the time in which a jury trial must be requested and held to determine if a person is a sexually violent offender, this bill provides that a court must schedule a trial within 90 days of the date the court appointed expert issues the evaluation, or if there is no term of court, the next available date thereafter. Upon receipt of the evaluation issued by the court appointed expert, the person or the Attorney General may retain a qualified expert to perform a subsequent evaluation. Relating to the procedures required when the director of the Department of Mental Health determines a person committed to the department is no longer likely to commit acts of sexual violence, this bill requires the director to certify the determination in writing with the specific basis thereof and among other things notify the Attorney General of the certification. The legislation includes provisions for both the Attorney General and the person to have further expert evaluation regarding a petition for release.

**S.1028 CREMATION Sen. Leventis**

This bill permits a person named in the decedent's DD Form 93 to authorize cremation, if the decedent served in the military services and there is no such designation in the will or other verified and attested document of the decedent.

**H.4696 REVISIONS PERTAINING TO A SOLICITOR'S WORTHLESS CHECK  
UNIT Rep. Bingham**

This bill authorizes the circuit solicitor to establish the worthless check unit without agreement from the county governing body. The bill also revises the fee schedules and provides that partial funds collected do not prohibit prosecution for the full amount of a fraudulent check.

**H.4702 ESTABLISHMENT OF THE OFFENSE OF KNOWINGLY OR  
INTENTIONALLY CONFINING OR RESTRAINING AN ANIMAL IN A  
CRUEL MANNER Rep. J. E. Smith**

This bill makes it unlawful to knowingly or intentionally confine or restrain an animal in a cruel manner or knowingly or intentionally cause such cruel confinement or restraining of an animal. Violations are misdemeanors, and local governments may adopt more stringent local ordinances governing the confinement or restraining of an animal with civil penalties for violations.

**H.4704 PUBLIC RECORDS Rep. J. E. Smith**

Relating to the criminal penalty for failing to deliver public records at the expiration of a person's term of office or employment, this bill deletes the provision requiring that a certified letter be delivered to the person having custody of the records. The bill further specifies the terms of the criminal violation. Relating to the right of a person to inspect or copy public records, this bill establishes the maximum amount that can be charged for researching and copying records. The bill also provides that upon the determination that requested records are subject to public availability, the records must be produced as soon as practicable. The bill establishes a private cause of action to enforce the provisions of the Freedom of Information Act through a nonjury, expedited hearing when records are not produced within 20 days of the request having been made. The bill allows the court to award attorney fees and court costs if the party seeking relief prevails.

**H.4706 CREMATION Rep. J. E. Smith**

This bill permits a person named in the decedent's DD Form 93 to authorize cremation, if the decedent served in the military services and there is no such designation in the will or other verified and attested document of the decedent.

**H.4720 *NEGLIGENT DRIVING* Rep. Sellers**

Under this bill, a person who operates a motor vehicle in violation of any provision contained in Title 56, except those provisions that make it illegal to operate a motor vehicle under the influence of alcohol, drugs, or another illegal substance, is guilty of misdemeanor negligent driving and, upon conviction, must be fined not more than \$150.

**H.4724 *REVISIONS PERTAINING TO THE PURCHASE OF COPPER* Rep. Ott**

This bill provides that a secondary metals recycler may not purchase copper for cash consideration and only may purchase it by check or other similar written instrument, a record of which must be maintained for as long as other identifying information is required to be maintained.

**H.4735 *ENHANCED PENALTY FOR PERSONS AFFILIATED WITH A SCHOOL***

***IN AN OFFICIAL CAPACITY WHO COMMIT SEXUAL BATTERY AGAINST A STUDENT* Rep. Sellers**

If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is sixteen or seventeen years of age and aggravated coercion or aggravated force is not used to accomplish the sexual battery, this bill provides that the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is eighteen years of age or older and aggravated coercion or aggravated force is not used to accomplish the sexual battery, this bill provides that the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 or imprisoned for 30 days, or both.

These provisions do not apply if the person affiliated with a public or private secondary school in an official capacity is lawfully married to the student at the time of the act.

## **LABOR, COMMERCE AND INDUSTRY**

**S.1147 *INCORPORATING PREPAID WIRELESS TELECOMMUNICATIONS AND VOICE OVER INTERNET PROTOCOL INTO THE 911 EMERGENCY CALLING SYSTEM* Sen. McConnell**

This bill imposes new fees upon prepaid wireless telecommunications and Voice over Internet Protocol (VoIP) for the support of the 911 emergency calling system that are in keeping with the fees that users of traditional telephone services and mobile telecommunications plans have been paying for the support of the system.

**H.4705 *"CANCER TREATMENT FAIRNESS ACT OF 2010"* Rep. Sandifer**

This bill enacts the "Cancer Treatment Fairness Act of 2010", to require individual and group health plans and health insurers to provide coverage for prescribed, orally administered chemotherapy on a basis no less favorable than coverage offered for intravenously administered or injected chemotherapy.

**H.4716 CONSUMER LOAN FINANCE CHARGES Rep. Rice**

This bill revises provisions relating to loan finance charges for consumer loans, so as to provide for finance charges for loans secured by automobiles upon certain conditions and loans made by supervised financial organizations.

**H.4739 HAZARD INSURANCE ON MOBILE HOMES Rep. Bowers**

This bill establishes new coverage and termination requirements for an insurer who is licensed to issue hazard insurance in this State on a mobile home.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.4718 EMERGENCY MEDICAL SERVICES ACT OF SOUTH CAROLINA**

**Rep. J. E. Smith**

This bill updates the Emergency Medical Services Act of South Carolina. Several definitions relating to emergency medical services have been revised and added. The bill requires the establishment of an electronic patient care reporting system to provide data to the National EMS Information System database for betterment of EMS across the nation. It revises the membership of the Emergency Medical Services Advisory Council. The bill states civil penalty for operating emergency response or ambulance service without proper license or permit. Among many things, it deletes provisions pertaining to the confidentiality of the identity of physicians and hospitals and the confidentiality of official investigations conducted by the EMS section of the Department of Health and Environmental Control. The bill also updates guidelines to the emergency medical services for children.

## **WAYS AND MEANS**

**S.850 VOLUNTARY CONTRIBUTIONS TO FORESTRY COMMISSION ON INCOME TAX RETURNS Sen. McGill**

This bill expands the list of funds to which a taxpayer may make voluntary contributions on an income tax return to include contributions to the South Carolina Forestry Commission for use in the State Forest System.

**S.879 ASSESSABLE TRANSFERS OF INTEREST FOR REAL PROPERTY TAXATION PURPOSES Sen. Campsen**

This bill provides additional instances of property transfers not considered assessable transfers of interest for real property taxation purposes. The legislation revises

provisions defining assessable transfers of interest so as to exclude: (a) a transfer of an undivided, fractional ownership interest in real estate in a single transaction or as a part of a series of related transactions, if the ownership interest or interests conveyed, or otherwise transferred, in the single transaction or series of related transactions within a twenty-five year period, is not more than fifty percent of the entire fee simple title to the real estate; (b) a transfer to a single member limited liability company, not taxed separately as a corporation, by its single member or a transfer from a single member limited liability company, not taxed separately as a corporation, to its single member, as provided in Section 12-2-25(B)(1); (c) a conveyance, assignment, release, or modification of an easement, such as a conservation easement, a utility easement, or an easement for ingress, egress, or regress; (d) a transfer or renunciation by deed, release, or agreement of a claim of interest in real property for the purpose of quieting and confirming title to real property in the name of one or more of the existing owners of the real property or for the purpose of confirming or establishing the location of an uncertain or disputed boundary line; or (e) the execution or recording of a deed to real property for the purpose of creating or terminating a joint tenancy with rights of survivorship, provided the grantors and grantees are the same.

**S.905 REVENUE ESTIMATES AND IMPACT STATEMENTS Sen. Leatherman**

This bill revised the requirements for revenue impact statements on tax bills, to provide that the revenue impact statement must be signed by the Chief Economist of the Office of Research and Statistics. The bill revises provisions relating to the certification of a revenue estimate, to provide that the revenue impact must be certified by the Chief Economist of the Office of Research and Statistics. The Board of Economic Advisors shall adjust its revenue estimate to include amounts certified and any other adjustments it deems necessary prior to the preparation of the report of the conference committee on the annual general appropriations bill.

**S.1174 CONFORMING STATE INCOME TAX LAWS TO FEDERAL PROVISIONS Sen. Leatherman**

This bill brings state income tax laws into conformity with federal provisions including federal provisions for the timing of deductions for charitable contributions for Haiti relief.

**S.1175 ATTORNEY GENERAL TO BECOME A MEMBER OF THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS Sen. Land**

This bill makes provisions for a person assuming the office of Attorney General of this State after 2010, to become a member of the Retirement System for Judges and Solicitors of the State of South Carolina.

**H.4701 STATE EMPLOYEE IMMUNITY IN CIVIL CONSPIRACY CLAIMS Rep. Cooper**

This bill provides that in any civil conspiracy lawsuit brought upon a state employee, if the court finds that the employee was acting within the scope of the employee's official duties, the employee is immune from suit, liability, and damages from the civil conspiracy claim.

**H.4703 EXPANSION OF INCOME TAX CREDITS FOR SOLAR ENERGY SYSTEMS Rep. J. E. Smith**

This bill revises provisions relating to income tax credits for the purchase and installation of solar energy systems so as to increase and further provide for the credit in regard to residential buildings as well as commercial buildings.

**H.4715 TRANSFER OF JEFFERSON NATIONAL GUARD ARMORY TO  
CHESTERFIELD COUNTY Rep. Vick**

This joint resolution authorizes the State Budget and Control Board to transfer ownership of Jefferson National Guard Armory in Jefferson, South Carolina, to the County of Chesterfield.

**H.4717 EXEMPTION ON PROPERTY TAXES IMPOSED FOR SCHOOL  
OPERATING PURPOSES NOT TO INCLUDE FINANCING  
AGREEMENT  
PAYMENTS Rep. Cooper**

This bill specifies that the property tax exemption on taxes imposed for school operating purposes for owner-occupied residential property does not extend to payments made pursuant to a financing agreement.

**H.4721 ERRONEOUS REAL PROPERTY TAX CLASSIFICATION Rep.  
Hamilton**

This bill revises provisions relating to the classifications of property and the assessment ratios for the classifications for purposes of property tax, so as to provide that no additional property tax is due for any prior property tax year on a parcel of real property because of an erroneous classification of the parcel when that error was not the result of any act or omission of the current owner of the parcel.

**H.4723 "SOUTH CAROLINA FISCAL TRANSPARENCY ACT" Rep. Loftis**  
This bill enacts the "South Carolina Fiscal Transparency Act" so as to require the State Budget and Control Board to establish and maintain a single internet website that provides detailed information on the finances and fiscal operations of all state agencies. The legislation provides that the State Budget and Control Board, by March 1, 2012, shall develop a schedule for adding similar information for local governmental entities, and to provide those local governmental entities exempt from the reporting requirements. The legislation specifies information which must not be posted on the website. The legislation requires annual reports on the progress of establishing the single website and recommendations for its enhanced content and improved format.

**H.4734 CONFORMING STATE INCOME TAX LAWS TO FEDERAL  
PROVISIONS Rep. Cooper**

This bill brings state income tax laws into conformity with federal provisions including federal provisions for the timing of deductions for charitable contributions for Haiti relief.

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